

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 6, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of September 29, 2003, reported having done so, found same correct.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/RUNZA RESTAURANT AT 210 N. 14TH STREET;
MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/LINCOLN STATION AT 201 N. 7TH STREET, SUITE 100 - City Clerk stated that the Manager could not be at this meeting and asked that it be rescheduled to 10/14/03.

This matter was taken under advisement.

APPLICATION OF CHAD AND KIRA GOERTZEN DBA ZEN'S FOR A LIQUOR CATERING LICENSE AT 122 N. 11TH STREET, SUITE 2 - Chad & Kira Goertzen, 1235 Otoe Street, took oath and came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF OVERSTREET, INC. DBA T'S STOP & SHOP FOR A CLASS B LIQUOR LICENSE AT 1301 N. 27TH STREET;

MANAGER APPLICATION OF LAKISHA R. OVERSTREET FOR OVERSTREET, INC. DBA T'S STOP & SHOP AT 1301 N. 27TH STREET - Patarick O'Brien, representing Overstreet, Inc., took oath and came forward to ask the Council to defer action on these items as it is their intention to withdraw their application from the Liquor Commission next week.

This matter was taken under advisement.

APPROVING THE 2003 - 2004 CITY TAX RATE OF .29028 PER \$100 OF ASSESSED VALUATION WHICH LOWERS THE TAX RATE FROM THE CURRENT YEAR BY 7.7% - Steve Hubka, Budget Officer, explained the reason for the change of the tax rate. Discussion followed.

Bob Valentine, 2660 Park Avenue, asked if his house has been revalued 14.4% and the property tax mill levy rate for Lincoln has decreased 7.7% will he pay more or less for his property. Discussion followed.

This matter was taken under advisement.

ORDERING ORNAMENTAL LIGHTING DISTRICT NO. 286 CONSTRUCTED, BEING SOUTH 20TH STREET TO SOUTH 27TH STREET, VAN DORN STREET TO HIGH STREET. (9/22/03 P.H. 9/29/03 AND 10/6/03 W/POSSIBLE ACTION 10/6/03) - Roger Dodson, 2941 S. 26th Street, came forward in favor of.

Bob Ripley, 3022 William Street, came forward in favor of.

Pat Sileo, 3100 S. 24th Street, came forward in favor of.

Mary Lynn W. Schaffer, 2601 Lafayette Avenue, came forward in favor of.

Kris Rutford, 3136 S. 25th Street, came forward in favor of.

Trent Sidders, 3130 S. 25th Street, came forward in favor of.

Bob Hanna, 2930 Cedar Avenue, came forward in opposition.

Susan Grieger, 2645 Van Dorn, came forward in opposition.

Duane Acklie, 220 Woodsdale, came forward in opposition.

Discussion followed.

Bob Routh, 3120 S. 24th Street, came forward in favor of. He presented copies of applications of petitions ornamental lighting for the record. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., stated that it appears they have the majority of front footage by about 75'. The

petitions received at the last minute still need to be verified.
Discussion followed.

Mr. Routh came forward for rebuttal.

This matter was taken under advisement.

SPECIAL PERMIT NO. 643E - APPLICATION OF PAT MCGRANE TO AMEND BRIARHURST WEST COMMUNITY UNIT PLAN TO REDUCE THE REAR YARD SETBACK FOR AN ENCLOSED DECK ON LOT 22, BLOCK 5, BRIARHURST WEST 4TH ADDITION, LOCATED AT 5433 S. 31ST STREET COURT - Pat McGrane, 5433 S. 31st Street Court, he complimented the Planning Staff, in particular Becky Horner, for all their help through this process.

This matter was taken under advisement.

SPECIAL PERMIT NO. 1022D - APPLICATION OF SOUTH LINCOLN APARTMENTS LIMITED PARTNERSHIP II TO AMEND OLD CHENEY PLACE COMMUNITY UNIT PLAN TO ADD A 12-UNIT MULTI-FAMILY BUILDING, WITH WAIVERS OF THE PRELIMINARY PLAT PROCESS TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE AN ADMINISTRATIVE FINAL PLAT IN ACCORDANCE WITH THE APPROVED COMMUNITY UNIT PLAN WHICH INCLUDES PUBLIC STREETS AND PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET, NORTH OF OLD CHENEY ROAD - Larry McChesney, TSP Architects, 9802 Nicholas Street, representing Broadmoor Development which is the South Lincoln Apartments Limited Partnership came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE ACQUISITION OF FEE TITLE AND/OR CONSERVATION EASEMENTS TO IMPLEMENT THE SOUTHEAST UPPER SALT CREEK WATERSHED STORMWATER MASTER PLAN - Nicole Fleck-Tooze, Public Works & Utilities Dept., stated that a resolution is not needed because the budget resolution, that the Council adopted, specifically provided data for the acquisition of right-of-way for easements by purchase or by condemnation, if necessary, for and included the implementation of master plan projects in the Schedule V. There is a request to withdraw this item.

This matter was taken under advisement.

TOOK BREAK 3:05 P.M.

RECONVENED 3:20 P.M.

MISCELLANEOUS BUSINESS

Glen Cekal, 1420 C St., expressed his appreciation for passing Ornamental Lighting District 286. He feels a committee should be created to study the reality of electronics. The sound system & the elmo in the Council Chambers are very inadequate.

This matter was taken under advisement.

Mike Morosin, 2055 S St., stated that the first person in a flood plain area does create a problem. He stated that when the University built the Beadle Center in his neighborhood it pushed the water onto his neighborhood and their properties became properties for mitigation. Urban Development promised him a site plan to move his house, but it has never been developed. They haven't come forward with anything comparable to his house at this time.

Glenn Friendt, Council Member, asked if moving his house was the only option.

Mr. Morosin stated that in nine years that's the only option he has come forward with. He feels it would be the cheaper way to go.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/RUNZA RESTAURANT AT 210 N. 14TH STREET - PRIOR to reading:

SVOBODA Moved to continue public hearing & action to 10/13/03.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/LINCOLN STATION AT 201 N. 7TH STREET, SUITE 100 - Prior to reading:

SVOBODA Moved to continue public hearing & action to 10/13/03.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF JAN-AL INC. DBA SIMPLY PARADISE SOCIAL HALL FOR AN EXPANSION OF THEIR LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 16' BY 5' ON THE SOUTH SIDE OF THE PREMISES, MAKING THE LICENSED DESCRIPTION AS THE ENTIRE ONE STORY IRREGULAR SHAPED BUILDING APPROXIMATELY 50' BY 128' PLUS ENCLOSED DECK AREA 40' BY 47' TO THE NORTH, ON PROPERTY GENERALLY LOCATED AT 3235 N. 35TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82365 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Jan-Al Inc. dba Simply Paradise Social Hall to expand its licensed premises by the addition of an area measuring approximately 16 feet by 5 feet on the south side of the premises, making the licensed premises description as the entire one story irregular shaped building approximately 50 feet by 128 feet plus the enclosed deck area 40 feet by 47 feet to the north, on property generally located at 3235 N. 35th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF CHAD AND KIRA GOERTZEN DBA ZEN'S FOR A LIQUOR CATERING LICENSE AT 122 N. 11TH STREET, SUITE 2 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82366 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Jan-Al Inc. dba Simply Paradise Social Hall to expand its licensed premises by the addition of an area measuring approximately 16 feet by 5 feet on the south side of the premises, making the licensed premises description as the entire one story irregular shaped building approximately 50 feet by 128 feet plus the enclosed deck area 40 feet by 47 feet to the north, on property generally located at 3235 N. 35th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF OVERSTREET, INC. DBA T'S STOP & SHOP FOR A CLASS B LIQUOR LICENSE AT 1301 N. 27TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for disapproval:

A-82367 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the

pertinent City ordinances, the City Council recommends that the application of Overstreet, Inc. dba T's Stop & Shop for a Class "B" liquor license for the license period ending April 30, 2004, at 1301 N. 27th Street, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.

2. The City Council has determined that the existing licenses are adequately serving the area.

3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.

4. The applicant has not demonstrated the propriety of the issuance of such license.

5. The issuance of the license will not be required by the present of future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF LAKISHA R. OVERSTREET FOR OVERSTREET, INC. DBA T'S STOP & SHOP AT 1301 N. 27TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for disapproval:

A-82368 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lakisha R. Overstreet as manager of Overstreet, Inc. dba "T's Stop & Shop" located at 1301 N. 27th Street, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING - NONE

RESOLUTIONS

APPROVING THE 2003 - 2004 CITY TAX RATE OF .29028 PER \$100 OF ASSESSED VALUATION WHICH LOWERS THE TAX RATE FROM THE CURRENT YEAR BY 7.7% - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82369 A RESOLUTION establishing a final property tax levy for the City's 2003-2004 fiscal year and reducing the City tax rate adopted in the City budget resolution.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 30, 2003, which date was at least five days prior to October 6, 2003 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 25, 2003 the tax rate was anticipated to be .29100 per \$100 of assessed valuation. Since then annexed properties have been added to the City resulting in a tax rate of .29028, which lowers the tax rate from the current year by 7.7%

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2003-2004 fiscal year for a property tax request of \$36,994,111.00:

\$.29028 per \$100 of assessed valuation
which total rate is comprised of the following:

Bond Interest & Redemption	.04339
General	.16920
Library	.04854
Social Security	.01428
Police and Fire Pension	<u>.01487</u>
Total	.29028

BE IT FURTHER RESOLVED that Resolution No. A-82292 be amended by substituting the attached Exhibit A and attached Exhibit B, made a part of this resolution as if set out fully. Both attachments adjust the tax rate per \$100 market value.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp.

ORDERING ORNAMENTAL LIGHTING DISTRICT NO. 286 CONSTRUCTED, BEING SOUTH 20TH STREET TO SOUTH 27TH STREET, VAN DORN STREET TO HIGH STREET. (9/22/03 - P.H. 9/29/03 AND 10/6/03 W/POSSIBLE ACTION 10/6/03) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82370 WHEREAS petitions signed by the owners of the record title representing a majority of the feet frontage of the property directly abutting upon the streets in Ornamental Lighting District No. 286, being South 20th Street to South 27th Street, Van Dorn Street to High Street, have been filed with the City Clerk, petitioning for the construction of said ornamental lighting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that said petitions be and hereby are determined to be sufficient and that Ornamental Lighting District No. 286, as described above, be and is hereby ordered constructed.

BE IT FURTHER RESOLVED that the Department of Public Works and Public Utilities be and is hereby authorized and directed to prepare detailed plans and specifications for said ornamental lighting in accordance with this resolution.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Annette McRoy

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REAPPOINTING JOHN CARTER, GARY HEJL, SHERYL JORDAN, LORI LOPEZ URDIALES, JOSE SOTO, AND MARY JANE STEWARD TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR A THREE-YEAR TERM EXPIRING AUGUST 31, 2006 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82371 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of John Carter, Gary Hejl, Sheryl Jordan, Lori Lopez Urdiales, Jose Soto, and Mary Jane Steward to the Community Development Task Force for three-year terms expiring August 31, 2006 is hereby approved.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REAPPOINTING ROB HACKWITH AND JEFF CHAMBERS TO THE CABLE ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING JULY 1, 2006 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82372 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Rob Hackwith and Jeff Chambers to the Community Development Task Force for three-year terms expiring August 31, 2006 is hereby approved.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REAPPOINTING BARRY MOORE AND DR. GREGORY KALLOS TO THE LINCOLN AREA AGENCY ON AGING ADVISORY COUNCIL FOR A THREE-YEAR TERM EXPIRING JULY 1, 2006 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82373 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Barry Moore and Dr. Gregory Kallos to the Lincoln Area Agency on Aging Advisory Council for three-year terms expiring July 1, 2006 is hereby approved.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE APPLICATION OF CONNER'S ARCHITECTURAL ANTIQUES FOR THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A WHEEL CHAIR RAMP AT 1001 L STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82374 WHEREAS, Conner's Architectural Antiques has submitted an application for a permit to use the public right-of-way at 1001 L Street, for construction of a wheelchair ramp; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Conner's Architectural Antiques to use the public right-of-way at 1001 L Street for the purpose of constructing a wheelchair ramp, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN AMENDMENT TO THE SOFTWARE LICENSE AGREEMENT BETWEEN THE CITY AND J.D. EDWARDS CO. TO INCLUDE LANCASTER COUNTY AND THE AFFILIATE AMENDMENT THAT BINDS LANCASTER COUNTY TO THE ORIGINAL AGREEMENT AND APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND LANCASTER COUNTY TO DETAIL COST DISTRIBUTIONS BETWEEN THE CITY AND COUNTY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82375 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Addendum to the Software License Agreement, the Affiliate Amendment, and Memorandum of Understanding between the City and J.D. Edwards which are attached hereto, marked as Attachment "A" and made a part hereof by reference, to include Lancaster County and to detail the cost distribution between the City and County for said services, are hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said Addendum, Affiliate Amendment, and Memorandum of Understanding on behalf of the City.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 572F - APPLICATION OF MARGARET NELSON TO AMEND THOMASBROOK COMMUNITY UNIT PLAN TO REDUCE THE REAR YARD SETBACK TO ENCLOSE AN EXISTING PATIO AT 2411 S. 60TH STREET WITHIN THE AREA OF THE HOLMESHAVEN CONDOMINIUMS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82376 WHEREAS, Margaret Nelson has submitted an application designated as Special Permit No. 572F for authority to amend Thomasbrook Apartments Community Unit Plan to reduce the rear yard setback from 30 feet to 15 feet to enclose an existing patio, on property located at 2411 South 60th Street, and legally described as follows:

Holmes Haven Condominium Unit #9, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reduction of the rear yard setback will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Margaret Nelson, hereinafter referred to as "Permittee", to amend Thomasbrook Apartments Community Unit Plan to reduce the rear yard setback from 30 feet to 15 feet to enclose an existing patio within the area of the Holmes Haven Condominiums, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of the rear yard setback from 30 feet to 15 feet to enclose an existing patio at 2411 South 60th Street within the construction limits as identified on the site plan.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable final plan with five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final Plats within the area of this community unit plan must be approved by the City.
3. Before occupying the enclosed patio, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up

to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 643E - APPLICATION OF PAT MCGRANE TO AMEND BRIARHURST WEST COMMUNITY UNIT PLAN TO REDUCE THE REAR YARD SETBACK FOR AN ENCLOSED DECK ON LOT 22, BLOCK 5, BRIARHURST WEST 4TH ADDITION, LOCATED AT 5433 S. 31ST STREET COURT -CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82377 WHEREAS, Pat McGrane has submitted an application designated as Special Permit No. 643E for authority to amend Briarhurst West Community Unit Plan to reduce the rear yard setback to 13 feet for an unenclosed deck on property located at 5433 S. 31st Street Court, and legally described as follows:

Lot 22, Block 5, Briarhurst West 4th Addition,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reduction of the rear yard setback will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Pat McGrane, hereinafter referred to as "Permittee", to amend Briarhurst West Community Unit Plan to reduce the rear yard setback 13 feet for an unenclose deck, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of the rear yard setback to 13 feet for an unenclosed deck.

2. Before receiving building permits the construction plans must conform to the approved plans.

3. Before occupying the new deck all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 1022D - APPLICATION OF SOUTH LINCOLN APARTMENTS LIMITED PARTNERSHIP II TO AMEND OLD CHENEY PLACE COMMUNITY UNIT PLAN TO ADD A 12-UNIT MULTI-FAMILY BUILDING, WITH WAIVERS OF THE PRELIMINARY PLAT PROCESS TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE AN ADMINISTRATIVE FINAL PLAT IN ACCORDANCE WITH THE APPROVED COMMUNITY UNIT PLAN WHICH INCLUDES PUBLIC STREETS AND PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET, NORTH OF OLD CHENEY ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82378 WHEREAS, South Lincoln Apartments Limited Partnership II has submitted an application designated as Special Permit No. 1022D to amend Old Cheney Place Community Unit Plan to add a 12-unit multi-family building, with waivers of the preliminary plat process to allow the Director of Planning to approve an administrative final plat in accordance with the approved community unit plan which includes public streets and private roadways, on property located at S. 27th Street, north of Old Cheney Road, and legally described to wit:

Lots 13 and 14, Block 1, Lots 1 - 4, Block 2, the remaining portion of Lot 1, Lot 2, block 4, Old Cheney Place 1st Addition; Lots 1 - 6, Block 2, Lots 1 and 2, Block 4, Lot 1, Block 3, and Outlots A and B, Lots 1 - 8, Block 1, Old Cheney Place 8th Addition; Lots 1 - 12, Outlot A, Old Cheney Place 2nd Addition; Lots 1 - 6, block 1, Lots 1 - 9, Block 2, Lots 1 - 10, Block 4, Outlot C, Lots 1 - 11, Block 3, Outlot B, Old Cheney Place 4th Addition, located in Section 7, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this additional 12-unit multifamily building to the community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of South Lincoln Apartments Limited Partnership II, hereinafter referred to as "Permittee", to amend Old Cheney Place Community Unit Plan to add a 12-unit multi-family building, with waivers of the preliminary plat process to allow the Director of Planning to approve an administrative final plat in accordance with the approved community unit plan which includes public streets and private roadways, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said multifamily building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 192 dwelling units.
2. The waiver of the preliminary plat process shall be effective for a period of ten years from the date of approval of this special permit and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the approval of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

3. Before receiving building permits:

- a. The Permittee must submit an acceptable revised and reproducible final plan including six copies.
- b. The construction plans must conform to the approved plans.
- c. Final Plats within this community unit plan must be approved by the City.

4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 671B - APPLICATION OF MIKE WINTER TO AMEND WASSUNG PARK COMMUNITY UNIT PLAN TO REDUCE THE SIDE YARD SETBACK FROM 10' TO 5' ON LOT 12, BLOCK 2, WASSUNG PARK NORTH ADDITION, LOCATED AT 3921 AND 3923 N. 8TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82379 WHEREAS, Mike Winter has submitted an application designated as Special Permit No. 671B for authority to amend the Wassung Park Community Unit Plan to reduce the side yard setback from 10 feet to 5 feet to replace the existing decks with larger decks on property located at 3921 and 3923 N. 8th Street, and legally described as:

Lot 12, Block 2, Wassung Park North Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reduction of the side yard setback will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Mike Winter, hereinafter referred to as "Permittee", to construct amend the Wassung Park Community Unit Plan to reduce the side yard setback from 10 feet to 5 feet for the replacement of two decks, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said decks be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction of the side yard setback from 10 feet to 5 feet on Lot 12, Block 2, Wassung Park North Addition.

2. Before receiving building permits:

- a. The Permittee must submit an acceptable, reproducible final plan including six copies.
- b. The construction plans must conform to the approved plans.

3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a

copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AUTHORIZING THE ACQUISITION OF FEE TITLE AND/OR CONSERVATION EASEMENTS TO IMPLEMENT THE SOUTHEAST UPPER SALT CREEK WATERSHED STORMWATER MASTER PLAN - PRIOR to reading:

COOK Moved to Withdraw Bill No. 03R-275.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The resolution having been **WITHDRAWN**, was assigned File #38-4453, & placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2003 AT 1:30 P.M. FOR THE APP. OF LINCOLN AIR HOST INC. DBA "AIR HOST RESTAURANT & LOUNGE" FOR A TEMPORARY CHANGE OF LOCATION FROM AREA 35' X 296' ON SECOND FLOOR TO AREA 34' X 27' IN THE DELI & GIFT SHOP ALSO ON THE SECOND FLOOR AT 2400 W. ADAMS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82380 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 20, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Lincoln Air Host, Inc. dba Air Host Restaurant & Lounge for a temporary change of location from area 35' x 296' on second floor to area 34' x 27' in the deli & gift shop, also on the second floor at 2400 W. Adams.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2003 AT 1:30 P.M. FOR THE APP. OF KKR ENTERPRISES, INC. DBA "LANCASTER'S" FOR A CLASS "C" LIQUOR LICENSE LOCATED AT 3800 OLD CHENEY ROAD, SUITE #105-106 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82381 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 20, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of KKR Enterprises, Inc. dba Lancaster's for a Class "C" liquor license located at 3800 Old Cheney Road, Suite #105-106.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2003 AT 1:30 P.M. FOR THE APP. OF CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA "CHIPOTLE MEXICAN GRILL" FOR A CLASS "I" LIQUOR LICENSE LOCATED AT 232 N. 13TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82382 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 20, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Chipotle Mexican Grill of Colorado, LLC dba "Chipotle Mexican Grill" for a Class "I" liquor license located at 232 N. 13th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2003 AT 1:30 P.M. FOR THE APP. OF THE DUGOUT, INC. DBA "THE DUGOUT SPORTS RESTAURANT" FOR A LIQUOR CATERING LICENSE LOCATED AT 311 N. 8TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82383 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 20, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of The Dugout, Inc. dba "The Dugout Sports Restaurant" for a liquor catering license at 311 N. 8th Street, Suite 1.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 152 - APPLICATION OF JOHN, JANICE, AND GARY VERMAAS TO DEVELOP 49,900 SQUARE FEET OF MEDICAL, FINANCIAL, AND OFFICE FLOOR SPACE, WITH WAIVERS TO THE REQUIRED FRONT YARD SETBACK ALONG S. 13TH STREET, SIDEWALK ALONG HIGHWAY 2 SOUTH OF PIONEERS BOULEVARD, TO ELIMINATE THE CROWN FROM THE PAVEMENT CROSS-SECTION, PARKING LOT SCREENING ALONG S. 13TH STREET, AND SANITARY SEWER FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF PIONEERS BOULEVARD AND HIGHWAY 2. (IN CONNECTION W/03-148) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82385 WHEREAS, John, Janice, and Gary VerMaas have submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 152 for authority to construct 49,900 square feet of medical, financial, and office space; to waive the requirement for front yard setback along S. 13th Street, to waive the parking lot design standards for Zoning Regulations requiring parking lot screening along S. 13th Street, and to waive Land Subdivision Ordinance and Design Standard requirements requiring sidewalks along Highway 2 south of Pioneers and along South 13th Street, and sanitary sewer flow in the same direction as street grades, on property generally located northeast of the intersection of Pioneers Boulevard and Highway 2, and legally described to wit:

All of Outlot "A", USPS Addition, located in the Southeast Quarter of Section 2, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the intersection of the southerly right-of-way line of Calvert Street and the westerly right-of-way line of South 13th Street, said point being the northeast corner of Lot 1, said USPS Addition; thence southerly on said westerly right-of-way line, on an assigned bearing of south 03 degrees 03 minutes 08 seconds west, a distance of 522.99 feet, to the point of beginning; thence southerly continuing on said west right-of-way line, south 03 degrees 03 minutes 08 seconds west, 59.35 feet to a point on a circular curve to the left, having a radius of 913.51 feet and a central angle of 32 degrees 45 minutes 12 seconds, said curve also being said westerly right-of-way line; thence southeasterly on the chord of said curve, south 16 degrees 16 minutes 35 seconds east, 515.13 feet; thence southeasterly continuing on said westerly right-of-way line, south 30 degrees 32 minutes 35 seconds east, 393.83 feet; thence southwesterly south 46 degrees 14 minutes 06 seconds west, 58.49 feet to a point on a circular curve to the right, having a radius of 5032.74 feet and a central angle of 06 degrees 37 minutes 26 seconds, said curve also being the easterly right-of-way line of Highway 2; thence northwesterly on the chord of said curve, north 40 degrees 14 minutes 19 seconds west, 581.50 feet; thence northwesterly continuing on said easterly right-of-way line, north 54 degrees 52 minutes 44 seconds west, 139.99 feet; thence northwesterly continuing on said easterly right-of-way line, north

30 degrees 50 minutes 12 seconds west, 313.35 feet to a point on a circular curve to the right, having a radius of 2022.22 feet and a central angle of 04 degrees 33 minutes 36 seconds; thence northwesterly on the chord of said curve, north 29 degrees 35 minutes 31 seconds west, 160.90 feet to the northwest corner of said Outlot "A"; thence easterly on the north line of said Outlot "A", north 90 degrees 00 minutes 00 seconds east, 431.10 feet to the point of beginning, said tract contains an area of 4.79 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for the development of medical, financial, and office space will not be adversely affected; and

WHEREAS, Lincoln Municipal Code § 26.31.015 provides that the requirements of Title 26 of the Lincoln Municipal Code may be modified under the conditions of approval of a use permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of John, Janice, and Gary VerMaas, hereinafter referred to as "Permittee", to construct 49,900 square feet of medical, financial, and office space be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said medical, financial, and office buildings be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 49,900 square feet of financial, medical, and office floor area.
2. The City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the Zoning Ordinance and Land Subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the Zoning Ordinance and Land Subdivision requirements are therefore approved:
 - a. The requirement of Lincoln Municipal Code § 27.27.070 requiring a front yard setback along South 13th Street is waived.
 - b. The requirement of Lincoln Municipal Code § 26.27.020 requiring sidewalks along Highway 2 south of Pioneers Blvd. and along South 13th Street, is waived.
 - c. The requirement of Section 3.7 of the Parking Lot Design Standard is waived to eliminate screening along South 13th Street.
 - d. The requirement of Section 3.6 of the Sanitary Sewer Design Standard is waived to allow sanitary sewer flow opposite street grades.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies to the Planning Director.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this use permit area must be approved by the City.
4. Before occupying any building all development and construction must conform to the approved plans, including the traffic signal and controller improvements at the intersection of Pioneers Boulevard and Nebraska Highway 2.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association approved by the City.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, and its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as

may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADOPTING THE SOUTHEAST UPPER SALT CREEK WATERSHED MASTER PLAN AS AN APPROVED SUBAREA PLAN AND TO AMEND THE LAND USE PLAN TO DESIGNATED LAND AS GREEN SPACE OR AGRICULTURAL STREAM CORRIDOR ALONG THE 100 YEAR FLOOD PRONE CORRIDOR, ON PROPERTY GENERALLY LOCATED BETWEEN SALT CREEK AND S. 70TH STREET, FROM YANKEE HILL ROAD TO SOUTH OF SALTILLO ROAD. (10/1/03 - MOTION TO TAKE ACTION AT THE FORMAL CITY COUNCIL MEETING ON 10/6/03) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 03R-251 to accept Concept C.

Seconded by Friendt & LOST by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Newman, Werner.

CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82386 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to adopt the Southeast Upper Salt Creek Watershed Master Plan as an approved subarea plan, and to amend the Land Use Plan to designate land as Green Space or Agricultural Stream Corridor along the 100 year flood prone corridor, on property generally located between Salt Creek and S. 70th Street, from Yankee Hill Road to south of Saltillo Road.

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Southeast Upper Salt Creek Watershed Master Plan, 2003, on file in the office of the Director of Public Works & Utilities and incorporated herein by reference, is adopted as an approved subarea plan.

BE IT FURTHER RESOLVED that one printed copy of the Southeast Upper Salt Creek Watershed Master Plan, 2003, shall be filed in the office of the Planning Director for use and examination by the public.

BE IT FURTHER RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln/Lancaster County Land Use Plan and the Lincoln Area Detail on pages F23 and F25, respectively, to change the designation of various properties from Urban Residential, Low Density Residential or Industrial to "Green Space" and "Agricultural Stream Corridor" to reflect the 100-year flood prone area as shown on the attached map marked as Attachment "A".

2. Add the "Southeast Upper Salt Creek Watershed Master Plan, 2003" to the list of approved subarea plans on Page F156.

3. Add a new section to the end of the Watershed Management section on page F80 to read as follows:

The following watershed studies have been adopted in order to provide guidance to watershed management activities within the basin.

- Stevens Creek Watershed Study and Flood Management Plan, 1998 (for rural watershed);
- Beal Slough Stormwater Master Plan, May 2000;
- Southeast Upper Salt Creek Watershed Master Plan, 2003.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Annette McRoy

Seconded by Friendt & carried by the following vote: AYES: Camp, Friendt, McRoy, Newman, Werner; NAYS: Camp, Svoboda.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON SEPTEMBER 29, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF SEPTEMBER 29 THROUGH OCTOBER 3, 2003.

CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82384 BE IT RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT FROM LINCOLN WATER & WASTEWATER SYSTEM FOR THE RECAPITULATION OF DAILY CASH RECEIPTS FROM SEPTEMBER 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(8-71)**

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF AUGUST, 2003: SPRINT COMM., NETWORK BILLING SYSTEMS, MCI WORLDCOM, VOICECOM, NORSTAN NETWORK, XO LONG DISTANCE SERVICES, TELCO DEVELOPMENT, EXCEL, SPRINT SPECTRUM, ACN COMM., WORKING ASSETS, VIRGIN MOBILE USA, CIII COMM., GLOBAL CROSSING, TOUCH AMERICA, CRICKET COMM., TRANS NAT'L. COMM. INT'L., BELT ATLANTIC, PRIMUS, VERIZON SELECT, ONSTAR CORP., AT & T COMM. OF MIDWEST, QUEST, INTELICALL OPERATOR SERV., NEBRASKA TECHNOLOGY & TELECOMM., GUARANTEED PHONE SERVICE, MCLEOD USA - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

SECOND QUARTER FINANCIAL REPORT 2003 FROM LINCOLN ELECTRIC SYSTEM - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 3, 2003, AT 1:30 P.M. FOR THE BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT. (REQUIRES A MOTION) - CITY CLERK requested a motion to approve the hearing date of Monday, November 3, 2003 at 1:30 p.m. or Board or Equalization for Downtown Business Improvement District, Core Business Improvement District Overlay & Downtown Maintenance District.

SVOBODA So moved.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS AUGUST 31, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

ORDINANCES - 1ST READING

AMENDING SECTION 26.33.020 OF THE LINCOLN MUNICIPAL CODE TO INCLUDE A MAXIMUM UNIT FEE OF \$2,000 FOR APPLICATIONS FOR FINAL PLATS - CLERK read an ordinance, introduced by Patte Newman, amending Section 26.33.020 of the Lincoln Municipal Code to include a maximum unit fee of \$2,000 for applications for final plats and repealing Section 26.33.020 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATING THE SOUTH 155' OF S.W. 32ND STREET, GENERALLY LOCATED BETWEEN WEST O STREET AND THE BNSF RAILROAD LINES SOUTH OF WEST O STREET - CLERK read an ordinance, introduced by Patte Newman, vacating the south 155 feet of S.W. 32nd Street, generally located between West O Street and the BNSF Railroad lines south of West O Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3414 - APPLICATION OF JOHN, JANICE, AND GARY VERMAAS FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF PIONEERS BOULEVARD AND HIGHWAY 2. (In connection w/03R-250) - CLERK read the following ordinance, introduced by Glenn Friendt, for Change of Zone 3414, Application of John, Janice and Gary Vermaas for a change of zone from P Public Use District to O-3 Office Park District on Property generally located northeast of the intersection of Pioneers Boulevard and Highway 2, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18252**, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE TO ADOPT CHANGES TO CONFORM THE LINCOLN FOOD CODE TO NEW STATE FOOD CODE - CLERK read the following ordinance, introduced by Glenn Friendt, amending Chapter 8.20 of the Lincoln Municipal Code to adopt changes to conform the Lincoln Food Code to new State Food Code, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18253**, is recorded in Ordinance Book 25, Page

APPROVING A THREE-YEAR/6,000 HOUR LEASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES CORPORATION FOR A 627G CATERPILLAR SCRAPER - CLERK read the following ordinance, introduced by Glenn Friendt, approving a three-year/6,000 hour lease agreement between the City and Caterpillar Financial Services Corporation for a 627G caterpillar scraper, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18254**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to October 13, 2003.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on October 13, 2003.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:47 P.M.

SVOBODA Moved to adjourn the City Council meeting of October 6, 2003.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, City Clerk, CMC

Judy Roscoe, Senior Office Assistant

